

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NICOLE SMITH, et al.,  
Plaintiffs,

v.

ELMWOOD CORRECTIONAL  
FACILITY, et al.,  
Defendants.

Case No. 23-cv-01748 BLF

**ORDER OF DISMISSAL**

On April 3, 2023, Plaintiffs,<sup>1</sup> proceeding *pro se*, filed a lawsuit in the Eastern District of California which was construed as an civil rights complaint under 42 U.S.C. § 1983. Dkt. No. 1. The case was transferred to this district on April 12, 2023. Dkt. No. 5. On April 12, 2023, the Clerk sent Plaintiffs a notice that the *In Forma Pauperis* (“IFP”) application, Dkt. No. 2, was deficient because it was not the proper form and lacked the supporting documentation, i.e., a Certificate of Funds in Prisoner’s Account completed and signed by an authorized prison officer and a prisoner trust account statement showing transactions for the last six months. Dkt. No. 6. Plaintiffs were advised to respond within

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<sup>1</sup> It appears that Mrs. Nicole Smith filed this action as co-Plaintiff on behalf of her son, Talik Ellis, who is currently in custody at the Elmwood Correctional Facility. Dkt. No. 1 at 2, 5-6. The Court need not address the propriety of such a filing at this time.

1 twenty-eight days to avoid dismissal. *Id.* The matter was reassigned to the Undersigned  
2 on May 15, 2023. Dkt. No. 10.

3 The deadline for responding to the Clerk's notice regarding the deficient IFP  
4 application has passed, and Plaintiffs have failed to file the necessary documents to  
5 complete the IFP application or pay the filing fee. *Id.* Accordingly, this action is  
6 **DISMISSED** without prejudice for failure to pay the filing fee.

7 The Clerk shall terminate all pending motions and close the file.

8 **IT IS SO ORDERED.**

9 Dated: May 22, 2023

  
BETH LABSON FREEMAN  
United States District Judge

United States District Court  
Northern District of California

25 Order of Dismissal  
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